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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8199

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No.:
v.	COMPLAINT FOR VIOLATION OF
David ZUNIGA-Gamboa	21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)
Defendant.	

The undersigned complainant being duly sworn states:

That on or about March 3, 2008, within the Southern District of California, David ZUNIGA-Gamboa did knowingly and intentionally import approximately 22.94 kilograms (50.46 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Douglas Struckmeyer, Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 5TH DAY OF MARCH, 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
David ZUNIGA-Gamboa

STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U. S. Immigration and Customs Enforcement Special Agent Douglas Struckmeyer.

On March 3, 2008, David ZUNIGA-Gamboa entered the United States at the Calexico, California, West Port of Entry. ZUNIGA was the driver and sole occupant of a 1994 Mercury Cougar registered in his name.

Customs and Border Protection Officer (CBPO) I. Mercado conducted a primary inspection of ZUNIGA. CBPO Mercado received a negative Customs declaration from ZUNIGA. ZUNIGA stated he was entering the United States to shop and the vehicle he was driving had belonged to him for approximately seven months. CBPO Mercado noticed that ZUNIGA's hands were visibly shaking.

CBPO Mercado continued his primary inspection by inspecting the vehicle. CBPO Mercado tapped the rocker panel of the vehicle with his flashlight. The rocker panel, which should have sounded hollow, sounded solid when he tapped it. CBPO Mercado escorted ZUNIGA and the vehicle to the vehicle secondary lot for further inspection.

During the secondary inspection, Canine Enforcement Officer (CEO) Caldera conducted a sweep of the vehicle with his Narcotic Detector Dog (NDD). The NDD alerted to the front bumper of the vehicle, indicating the presence of the odor of a controlled substance in that area.

Further inspection of the vehicle revealed the presence of two non-factory compartments built into the front fenders. A total of 19 packages were found concealed within the two compartments. The combined weight of the packages was approximately 22.94 Kilograms (50.46 pounds). A sample taken from one of the packages field tested positive for cocaine. Upon inspection of the compartment, CBPO Mercado observed fresh weld-marks, indicating that it was built recently.

A registration found in the vehicle showed that ZUNIGA registered the vehicle in his name on January 21, 2008. Since that date, ZUNIGA has entered the United States through the Calexico West Port of Entry eleven times. On all eleven occasions, ZUNIGA was in a vehicle displaying the same license plate as the 1994 Mercury Cougar. On two of those crossings, the vehicle was referred for secondary inspection. At least one of those secondary inspections was based on a referral which mandates a canine inspection. No controlled substances were found in the vehicle on either of those two occasions.